

Response dated 05/13/2005
Response to Office Action mailed 03/03/2005

Application No. 10/700,178

REMARKS

The Office Action of March 3, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-17 are currently pending. Claims 1-17 are rejected.

Interview

The Applicant wishes to thank the Examiner for participating in the interview of April 8, 2005. During this interview the Applicant answered questions from the Examiner regarding the scope of the invention. The content of the interview is discussed more below.

Objection to the Drawings:

The drawings were objected to because of the labeling of figures 2 and 7. Corrected drawing sheets are being filed in connection with this response. Reference signs 202 and 700 have been added to figures 2 and 7, respectively. It is noted that reference 212 is described in paragraph 20. Reconsideration of the objection is requested.

Objection to the Specification:

The specification is objected to as allegedly being so incomprehensible as to preclude a reasonable search of the prior art by the examiner.

The Office Action and Interview Summary allege that the meaning of "parameter" in the specification is unclear.

The Applicant respectfully submits that after reading the present specification, the meaning of "parameter" would be clear to one of ordinary skill in the computer programming art. For example, as stated in paragraph 2 of the present specification:

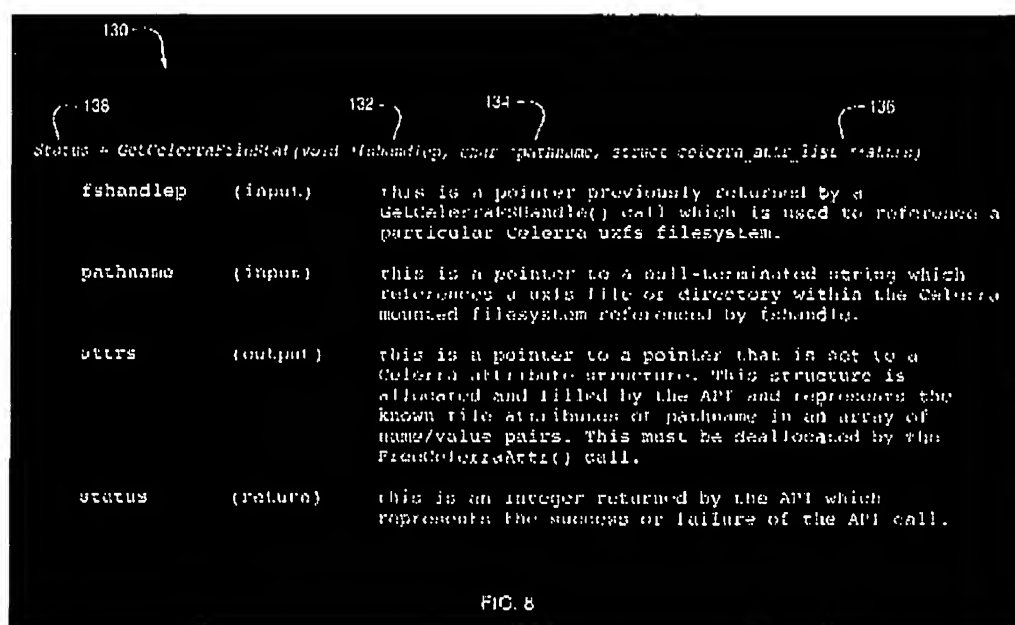
Software modules, such as application programming interfaces, continue to become increasingly complex. Such modules may include a larger number of input parameters and parameter combinations. The testing of software modules typically includes selecting parameter values and parameter value combinations. The combinations of parameter values are then applied to the software module and the resulting output is analyzed.

Response dated 05/13/2005
Response to Office Action mailed 03/03/2005

Application No. 10/700,178

The above description indicates that parameters are input and output arguments used by software modules, such as application programming interfaces.

Moreover, the Applicant respectfully submits that "parameter" has a widely well known meaning to those of ordinary skill in the computer programming art. For example, the following figure and description is from U.S. Patent No. 6,714,952 (See Figure 8 and Col. 11, line 55 – Col. 12, line 5.).



Referring now to FIG. 8, shown is an example of an API used to obtain file attributes or the various metadata files for a particular data file. The API GetCelerrafilestat includes three parameters. Generally, the call getCelerrafilestat may be an API call that is performed by the backup agent 36 performing, for example, step 74 or 78 of FIG. 5. Collectively, returned by the file server 16a or 16b are all with those metadata attributes associated with a particular file as identified by parameter pathname 134. The first parameter, fshandlep 132 is an input parameter that is previously returned by the call to getCelerraFShandle upon which the particular file as identified by pathname 134 exists. Returned as an output is the parameter attrs 136 which is a pointer to a pointer of a set of attributes represented as a structure in this particular "C" language description. In this particular embodiment, memory associated with the parameter attrs is allocated and filled by the API, as may be executed on the file server 16a. (emphasis added)

Best Available Copy

Response dated 05/13/2005
Response to Office Action mailed 03/03/2005

Application No. 10/700,178

The Office Action next alleges that with reference to the description given on pages 8-9, it is unclear "how a particular parameter value combination can be tested after selecting that combination from the execution matrix and dragging that combination to input icon 704." The Applicant suspects that this confusion results from the Examiner's confusion over the meaning of "parameter." The numbers 2, 3 and 4 shown in figure 4 represent parameter values. For example, if an API has input parameters x, y and z, the numbers 2, 3 and 4 represent values for parameters x, y and z respectively. A software module that is being tested is given the parameter values as inputs and the results are displayed in output region 708.

Rejections under 35 USC §101

Claims 1-17 are rejected under 35 USC §101 because the claimed invention is alleged to be directed to non-statutory subject matter. The Applicant respectfully disagrees and requests reconsideration of this rejection.

On page 4, the Office Action alleges that claims 1-17 "recite no clearly practical application of the claimed method or do not draw a conclusion as to the final end result of testing a software module with parameter combinations." This point was discussed during the interview of April 8, 2005. As discussed during the interview, "aspects of the present invention provide a graphical user interface and methods that assist users in selecting parameter values to test." See paragraph 1 of the present specification. Claim 1, for example, is drawn to a "method of generating a list of parameter value combinations to test." The concrete and tangible result produced by the method of claim 1, for example, are "parameter value combinations that result in the combination function exceeding a predetermined probability value."

At the top of page 5, the Office Action alleges that the invention claimed in claims 1-17 "consists solely of the manipulation of an abstract idea is not concrete or tangible." Again, the Applicant respectfully disagrees. Claim 1, for example, includes the concrete element of "(a) providing to a user a graphical user interface that includes at least two adjustable probability curves that allow the user to graphically indicate the importance of values of at least first and second parameters." It is unclear to the Applicant how such a step can be considered to be the manipulation of an abstract idea. A specific graphical user interface is being presented to a user.

Response dated 05/13/2005
Response to Office Action mailed 03/03/2005

Application No. 10/700,178

Rejections under 35 USC §112

Claims 1-17 are rejected under 35 USC §112, as failing to comply with the written description requirement.

The present application has never been amended. All of the pending claims are in the same form as filed. As a result, the Applicant respectfully submits that claims 1-17 are in compliance with the written description requirement of 35 U.S.C. 112, first paragraph.

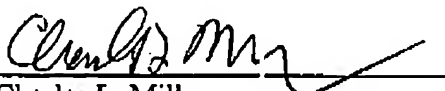
It appears that the Office Action is first alleging that the term "parameter" is indefinite. The meaning of parameter is addressed above. The Office Action then indicates that "receiving an indication from a user," in claim 16 is not understandable. This feature is described, for example, in paragraph 29 and is illustrated in Figure 7. The Applicant respectfully submits that after reading paragraph 29 and analyzing Figure 7, one skilled in the art would appreciate that "receiving an indication from a user," may include receiving movement commands at a mouse or other pointing device.

CONCLUSION

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

Date: May 13, 2005

By: 
Charles L. Miller
Registration No. 43,805
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001